

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL SANTURE,

Plaintiff,

v.

Case No. 12-CV-15680
Honorable Denise Page Hood

DANIEL HEYNS, *et al.*,

Defendants.

**ORDER ACCEPTING REPORT AND RECOMMENDATIONS, DENYING
PLAINTIFF'S MOTION FOR CLASS CERTIFICATION, DENYING
PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION, AND DENYING PLAINTIFF'S
EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Now before the Court is Magistrate Judge Mona K. Majzoub's Report and Recommendations. Plaintiff Daniel Santure filed this *pro se* prisoner civil rights action against five Michigan Department of Corrections employees on December 26, 2012. Santure filed a Motion for Class Certification on December 26, 2012 on behalf of himself and all other similarly situated disabled prisoners within the custody and control of the Michigan Department of Corrections. Santure also filed a Motion for Temporary Restraining Order and Preliminary Injunction, and Emergency Motion for Temporary Restraining Order and Preliminary Injunction on January 31, 2013 and

March 18, 2013, respectively. The Magistrate Judge concludes that Santure has not met the requirements of class certification or for entry of a temporary restraining order or preliminary injunction. The Magistrate Judge recommends that the Court denies Santure's motions in their entirety. Santure has not filed any objections to the Magistrate Judge's Report and Recommendations.

The Court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.* An objection to the Report and Recommendation must be timely and specific. *See* Fed. R. Civ. P. 72(b)(2); E.D. Mich. L. R. 72.1(d); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981) ("The filing of objections provides the district court with the opportunity to consider the specific contentions of the parties and to correct any errors immediately.") A party's failure to file any objections waives his or her right to further appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Necessarily, a party's failure to object to the magistrate judge's report and recommendation relieves the Court from its duty to review the matter independently. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Court finds no error in the Magistrate Judge's analysis and conclusions. Furthermore, neither party has

filed any objections to the Report and Recommendations. The Court deems all further objections waived and accepts the Magistrate Judge's Report and Recommendations in their entirety.

Accordingly,

IT IS ORDERED that the Report and Recommendations [Docket Nos. 26 and 27] are ACCEPTED as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion for Class Certification [Docket No. 3, filed December 26, 2012] is DENIED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Preliminary Injunction and Temporary Restraining Order [Docket No. 11, filed January 31, 2013] is DENIED.

IT IS FURTHER ORDERED that Plaintiff's Emergency Motion for Temporary Restraining Order and Preliminary Injunction [Docket No. 19, filed March 18, 2013] is DENIED.

IT IS SO ORDERED.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: July 31, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 31, 2013, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager